

City of Detroit

CITY COUNCIL

Charles Pugh
President

Gary Brown
President Pro Tem



Kenneth V. Cockrel, Jr.
Saunteel Jenkins
Brenda Jones
Kwame Kenyatta
Andre L. Spivey
James Tate
Jo Ann Watson

Janice M. Winfrey
City Clerk

Committee of the Whole Room • 1340 Coleman A. Young Municipal Center • Detroit, Michigan 48226

DETAILED NOTES

CITY COUNCIL RULES COMMITTEE

COUNCIL MEMBER SAUNTEEL JENKINS, CHAIRPERSON
COUNCIL MEMBER BRENDA JONES, VICE CHAIRPERSON
COUNCIL MEMBER JAMES TATE, MEMBER
COUNCIL PRESIDENT CHARLES PUGH, (EX-OFFICIO)

Mr. Deonte Agee
Asst. City Council Committee Clerk

FRIDAY, MARCH 16, 2012

10:00 A.M.

- A. ROLL CALL – JENKINS, JONES, AND TATE (QUORUM)**
- B. CHAIR REMARKS**
- C. APPROVAL OF MINUTES – TATE MOVED APPROVAL OF MINUTES OF NOVEMBER 18, 2011; ALL WERE IN FAVOR; MOTION CARRIED 3-0.**

D. UNFINISHED BUSINESS

1. Status of Council Member Saunteel Jenkins - Establishment of a Personnel Committee that reviews performance of division heads. **(AWAITING REPORT FROM LAW DEPARTMENT)(BROUGHT BACK AS DIRECTED ON 06-24-11) – MOTION TO MOVE TO FORMAL/SET A PUBLIC HEARING (Motion made by TATE; Committee Member JENKINS was in favor; Committee Member Jones was not in favor; Motion carried 2-1)**
2. Status of Detroit City Council President Charles Pugh's request for rules allowing City Council to receive comments through video conferencing software, i.e. skype. **(BROUGHT BACK AS DIRECTED 06-24-11) – MOTION TO BRING BACK NEXT MEETING (Motion made by TATE; Committee Members JENKINS and JONES were in favor; Motion carried 3-0)**

E. NEW BUSINESS

3. City Council Research and Analysis Division submitting report regarding voting for multiple candidates. – **MOTION TO MOVE TO FORMAL (Motion made by TATE; Committee Members JENKINS and JONES were in favor; Motion carried 3-0)**
4. New Rule Recommendation: A rule specifying what content can be posted on the City Council website by the Media Services Division. – **MOTION TO HAVE RAD DRAFT LANGUAGE (Motion made by TATE; Committee Members JENKINS and JONES were in favor; Motion carried 3-0)**
5. New Rule Recommendation: A rule requiring that no item can stay in Committee longer than thirty (30) days from the date it first appears on the agenda. – **MOTION TO HAVE RAD DRAFT LANGUAGE (Motion made by TATE; Committee Members JENKINS and JONES were in favor; Motion carried 3-0)**
6. New Rule Recommendation: An amendment to the current rule regarding Multiple Candidate voting to require that the candidate with the least amount of votes automatically be withdrawn from consideration. – **MOTION TO MOVE TO FORMAL (Motion made by TATE; Committee Members JENKINS and JONES were in favor; Motion carried 3-0)**
7. New Rule Recommendation: Amendments to the Council's current Rules and Forfeiture Hearing Rules to comply with 2012 Charter. – **MOTION TO HAVE RAD DRAFT LANGUAGE (Motion made by TATE; Committee Members JENKINS and JONES were in favor; Motion carried 3-0)**
8. New Rule Recommendation: A rule requiring that all Council Members vote on the items presented. "None of the Above" is not an option unless specifically listed on the ballot. – **MOTION TO MOVE TO FORMAL (Motion made by TATE; Committee Members JENKINS and JONES were in favor; Motion carried 3-0)**

WALK-ON

Council Member Spivey's request to add language to the Rules of Order for the Detroit City Council – Decorum & Civility (Section 16) – **MOTION TO MOVE TO FORMAL/BRING BACK NEXT MEETING TO DISCUSS ACTIONS TO BE TAKEN IF RULES ARE BROKEN** (*Motion made by TATE; Committee Members JENKINS and JONES were in favor; Motion carried 3-0*)

F. PUBLIC COMMENT – NONE



City of Detroit

COUNCILMAN ANDRÉ L. SPIVEY

WALK-ON

MEMO

To: Saunteel Jenkins, Chairman
Rules Committee

From: Councilman André L. Spivey *AS*

Date: March 16, 2012

RE: Rules of Order for the Detroit City Council – Decorum & Civility (Section 16)

Section 16.4 of the Rules of Order for the Detroit City Council states, "*Council Members + staff* will avoid public verbal, non-verbal or physical reactions while other members are speaking, *or public* regardless of whether the public reaction is in support of or in opposition to a colleague's point of view".

I am requesting that the Rules Committee consider adding language or an additional section that addresses the decorum of City Council staff (including City Council Divisions and Agencies). It may be appropriate to simply add that it is the duty of individual members to properly inform their staff of proper decorum, professional conduct and/or etiquette.

In the case of Division & Agency staff, the duty to inform could extend to the Division and Agency Directors or, if more appropriate, to the Office of the President.

Cc: Louise Jones, City Council Committee Clerk, City Clerk's Office
Colleagues

Received @ table 3/16/12 (Rules)

27

City of Detroit

CITY COUNCIL

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Director
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Detroit, Michigan 48226
(313) 224-4948
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ELIZABETH IRBY
Deputy Director
(313) 224-4948

To: Honorable Detroit City Council

From: David D. Whitaker, Director
Research and Analysis Division (RAD) Staff

Re: **ISSUES RELATING TO VOTING FOR MULTIPLE CANDIDATES
OR OPTIONS BY WAY OF THE PAPER BALLOTING PROCESS**

Date: February 20, 2012

2012 FEB 20 P
DETROIT
CITY CLERK

The Research and Analysis Division (RAD) was asked to opine on the validity of a vote when a Council member is present for the vote, submits a ballot to the City Clerk, but does not select an option or candidate *listed on the ballot* as printed.

State law (MCL 15.342a) and the City Charter (section 4-108) require Council members, present at the Table, to vote on any and all matters in which they do not have a pecuniary interest¹. This is a basic legal duty and responsibility by virtue of election to office.

The majority of City Council votes are by voice vote with the Council Member announcing "aye" (yes) or "nay" (no). If a member remains silent when asked for the ayes and nays, it is recorded as an affirmative vote. If there is any doubt about the results, a show of hands or a roll-call vote may be taken.

In votes that involve multiple candidates for limited openings on boards or commissions, Council has adopted a voting procedure, as reflected in Council Rule 4.6.2.1, that has now been used successfully several times. In situations where there are multiple candidates for one or a limited number of openings that are less than the number of interested candidates, a problem can arise if a Council Member refrains from voting for any of the choices either by handing in a blank ballot, writing in a name not approved by the Body, or writing "none of the above". The issue then becomes, did the Council Member vote? As previously mentioned, State law, the City Charter, and the Council Rules (Council Rule 10.10) require that all Council members present must vote unless they have a legitimate reason, *i.e.*, a pecuniary interest, to abstain.

¹ Pecuniary or financial interest in a matter before City Council includes an interest held by an immediate family member of the Council Member. Also see, RAD report dated April 21, 2010, which provides some additional discussion on this matter.

In order to avoid any confusion in the future, Council may wish to create a procedural rule to avoid circumstances that may result in a vote being deemed improper or avoidable confusion over the results of a vote. To develop this discussion further requires analysis of the word "vote". The American Heritage Dictionary² defines "vote" as "*a formal expression of preference for a candidate for office or for a proposed resolution of an issue*", or alternatively, "*to express a choice or an opinion.*"

If, as a matter of policy, this Honorable Body decides that every Council Member, in the exercise of his/her basic duty under the City Charter in the context of multiple choice issues, must formally select his/her preference only from amongst choices agreed upon by the Body, then the first definition cited above is appropriate. This would not allow for any write-in options on the ballot. Any Member wishing to express displeasure with the final choices presented could choose the least objectionable option and then explain their choice in a statement.

If, however, the Council wishes to allow individual members additional freedom to express their choice or opinion through their vote by permitting the selection of a choice outside of the limited options agreed upon by the Body, then the latter definition would be appropriate. This would allow a Council Member to reject proffered options agreed upon by the Body and write his/her preference on the ballot.³ The handling of multiple option votes in this manner would afford Members the opportunity to conscientiously object to the available choices.

For purposes of clarity, if the latter option were chosen, RAD would strongly recommend that the Council voting ballots for such multiple choice issues be modified to expressly include "none of the above" or a write-in option as an available choice, in addition to the others. Also for purposes of efficiency and finality, if the latter option were chosen, RAD would further recommend that the voting rule be amended to require that in the event no required majority (or other prevailing vote total) is achieved on the first and/or second ballot, because 'none of the above' is chosen by one or more Council Members, that on a second or third ballot, all but the first and second choices must be eliminated to ultimately produce a majority winner (excluding the possibility of a tie vote, which is governed by another rule).

If Your Honorable Body has any other questions or concerns regarding this subject, RAD will be happy to respond further.

² The American Heritage Dictionary of the English Language, 3rd ed. 1996, p. 2004.

³ Although this option is available to Council, it has certain inherent drawbacks, to wit: a) it would permit consideration/selection of outside options, thereby ignoring the will of the Body as expressed in its initial decision to pare down options/ choices in order to form an exclusive predetermined list, agreed upon by a majority of the Body, going into the vote; and b) as each Member would possess the freedom to escape the confinement that the listed options present, it could, on occasion, present significant difficulties in reaching a consensus from the Body, particularly when the matter at issue is controversial and all options available are equally distasteful.



City of Detroit
CITY COUNCIL

CHARLES PUGH
COUNCIL PRESIDENT

M E M O R A N D U M

TO: Honorable Saunteel Jenkins
Chair, Rules Committee

FROM: Charles Pugh
Council President

DATE: March 13, 2012

RE: **Amendment of Council Rules**

I am recommending that there be an amendment to the Council Rules, Section 4.6 "Procedure to Fill Vacancies" to incorporate language that reflects the following concept:

When voting on multiple candidates, only the two candidates that receive the most votes will remain eligible for consideration, if there is no majority achieved after the first iteration of the vote. The candidates that do not achieve the highest amount of votes are eliminated from consideration for the subsequent round of voting.

Please consider this amendment to the Council Rules during the March 16, 2012 Rules Committee meeting. Thank you.

CC: Honorable Colleagues
Council Divisions
City Clerk's Office

3-14-12 Received @ table

RULES COMMITTEE

FRIDAY, MARCH 16, 2012

COUNCIL MEMBERS PRESENT:

Saunteel Jenkinss, Chairperson
Brenda Jones
James Tate

Deonté L. Agee
Assistant City Council Committee Clerk